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5 Attorneys for Petitioners

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 RAYMOND A. MIRRA, JR., RAM
12 CAPITAL GROUP, LLC, D/B/A RAM
13 CONSULTING GROUP, LLC, RAM
14 CAPITAL GROUP II, LLC, RAM REALTY
15 HOLDINGS, LLC, JOSEPH A. TROILO, JR.,
16 BRUCE KOLLEDA, MARK A. KOVINSKY,
JOSEPH J. TROPIANO, JR., DANIELLE
STEWART, RENEE M. SIGLOCH,
FREDERICK FORTE, VIRGINIA L. HALL,
BARI KUO, and SHELLY DEMORA,

17 Petitioners,

18 v.

19 FARELLA BRAUN + MARTEL, LLP,

20 Respondent.
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CASE NO. 16-mc-80068

**STIPULATION AND ~~PROPOSED~~
ORDER TO SHORTEN TIME FOR
BRIEFING ON PETITIONERS'
MOTION TO TRANSFER AND
MOTION TO COMPEL SUBPOENA
DUCES TECUM**

Date: TBD

Time: TBD

Place: Courtroom 10

Judge: Honorable Haywood S. Gilliam, Jr.

Petitioners, known in the underlying action¹ as the “RAM Defendants” (Raymond A. Mirra, Jr., RAM Capital Group, LLC, RAM Capital Group II, LLC, RAM Realty Holdings, LLC, Joseph A. Troilo, Jr., Bruce Kolleda, Mark A. Kovinsky, Joseph J. Tropiano, Jr., Danielle Stewart, Renee M. Sigloch, Bari Kuo, Frederick Forte, Virginia L. Hall, and Shelly Demora), Respondent Farella Braun + Martel LLP (“Farella Braun”), Plaintiffs in the underlying action (Gigi Jordan, The Hawk Mountain LLC, Michelle E. Mitchell, and Kimberly Jordan), and the remaining defendants in the underlying action (Patrick Walsh and Bernard Eizen), stipulate as follows pursuant to Civil Local Rule 6-2:

WHEREAS, the RAM Defendants filed and served a Motion to Transfer, a Motion to Compel Subpoena *Duces Tecum* (“Motion to Compel”), and a Motion for Sanctions on March 22, 2016;

WHEREAS, Patrick Walsh and Bernard Eizen intend to join in the Motion to Transfer, Motion to Compel, and Motion for Sanctions filed by the RAM Defendants;

WHEREAS, the RAM Defendants, Farella Braun, and Plaintiffs in the underlying action (“Plaintiffs”), have all agreed to a shortened briefing schedule to expedite resolution of the disputes that are the subject of the Motion to Transfer and Motion to Compel;

NOW THEREFORE, the parties to this stipulation, through their undersigned counsel of record and subject to the Court’s approval, agree:

1. Patrick Walsh and Bernard Eizen shall file their Notice of Joinder in the Motion to Transfer, Motion to Compel, and Motion for Sanctions on or before March 25, 2016;
2. Farella Braun shall file its opposition to the Motion to Transfer, and Motion to Compel on or before April 1, 2016;

¹ The RAM Defendants are currently litigating a case in the United States District Court for the District of Delaware, in the action captioned *The Hawk Mountain LLC, et al. v. RAM Capital Group, LLC, et al.*, C.A. No. 13-02083-SLR-SRF. On March 22, 2016, the RAM Defendants filed multiple motions in the Northern District of California, stemming from a subpoena served on Farella Braun in the underlying *Hawk Mountain* litigation on March 3, 2015.

3. Plaintiffs shall file their opposition to the Motion to Transfer, and Motion to Compel, if any, on or before April 1, 2016;
4. The RAM Defendants, Patrick Walsh and Bernard Eizen shall file their reply in support of the Motion to Transfer, and Motion to Compel on or before April 6, 2016;
5. If Farella Braun and Plaintiffs file separate oppositions to the Motion to Transfer, Motion to Compel, and/or Motion for Sanctions, the RAM Defendants, Patrick Walsh and Bernard Eizen shall have the right (but not the obligation) to file a separate reply to each opposition;
6. The parties to this stipulation consent to service by electronic mail of the Motion to Transfer, Motion to Compel, and Motion for Sanctions.
7. The parties consent to service of all papers in this action (including the above-referenced motions, opposition and reply papers) by electronic mail, and agree that such service shall constitute personal delivery by hand pursuant to Federal Rule of Civil Procedure 5(b)(2)(A).

IT IS SO STIPULATED.

1 DATED: March 24, 2016

Respectfully submitted,

2 QUINN EMANUEL URQUHART & SULLIVAN, LLP

3 By /s/ Karin Kramer

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7 *Attorneys for Petitioners*

8 DATED: March 24, 2016

Respectfully submitted,

9 FARELLA BRAUN + MARTEL LLP

10 By /s/ Anthony Schoenberg

11 Anthony Schoenberg
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14 *Attorneys for Respondent*

15 DATED: March 24, 2016

Respectfully submitted,

16 LAW OFFICE OF ALLAN L. BRENNER

17 By /s/ Allan L. Brenner

18 Allan L. Brenner
brennerlawlb@gmail.com
19 536 West Penn Street – 2nd Floor
Long Beach, New York 11561
20 (516) 897-6145

21 *Attorney for Plaintiffs*

22 DATED: March 24, 2016

Respectfully submitted,

23 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

24 By /s/ Thomas M. Monahan

25 Thomas M. Monahan
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26 30 Rockefeller Plaza
New York, New York 10112
(212) 653-8700

27 *Attorney for Patrick Walsh*

28

1 DATED: March 24, 2016

Respectfully submitted,

COZEN O'CONNOR, P.C.

By /s/ Andrew M. Hutchison

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Attorney for Bernard Eizen

~~PROPOSED~~ ORDER


Based on the foregoing stipulation, and for good cause shown,

IT IS HEREBY ORDERED that

1. Patrick Walsh and Bernard Eizen shall file their Notice of Joinder in the Motion to Transfer, Motion to Compel, and Motion for Sanctions on or before March 25, 2016;
2. Farella Braun shall file its opposition to the Motion to Transfer, and Motion to Compel on or before April 1, 2016;
3. Plaintiffs shall file their opposition to the Motion to Transfer, and Motion to Compel, if any, on or before April 1, 2016;
4. The RAM Defendants, Patrick Walsh and Bernard Eizen shall file their reply in support of the Motion to Transfer, and Motion to Compel on or before April 6, 2016;
5. If Farella Braun and Plaintiffs file separate oppositions to the Motion to Transfer, Motion to Compel, and/or Motion for Sanctions, the RAM Defendants, Patrick Walsh and Bernard Eizen shall have the right (but not the obligation) to file a separate reply to each opposition;
6. The parties to this stipulation shall accept electronic mail service of the Motion to Transfer, Motion to Compel, and Motion for Sanctions;
7. All papers in this action (including the above-referenced motions, opposition and reply papers) shall be permitted to be served by electronic mail, and such service shall constitute personal delivery by hand pursuant to Federal Rule of Civil Procedure 5(b)(2)(A).

IT IS SO ORDERED.

DATED: March 25, 2016


Honorable Haywood S. Gilliam, Jr.
United States District Judge

ATTESTATION

I, Karin Kramer, am the ECF user whose ID and password are being used to file this Stipulation and [Proposed] Order. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Anthony Schoenberg, Allan L. Brenner, Thomas M. Monahan, and Andrew M. Hutchison have concurred in this filing.

Dated: March 24, 2016

/s/ Karin Kramer
Karin Kramer

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

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17 Petitioners,

18 v.

19 FARELLA BRAUN + MARTEL, LLP,

20 Respondent.
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CASE NO. 16-mc-80068

**DECLARATION OF KARIN KRAMER IN
SUPPORT OF STIPULATION AND
[PROPOSED] ORDER TO SHORTEN
TIME TO TRANSFER AND THE
MOTION TO COMPEL SUBPOENA
*DUCES TECUM***

Date: TBD

Time: TBD

Place: Courtroom 10

Judge: Honorable Haywood S. Gilliam, Jr.

1 I, Karin Kramer, declare as follows:

2 1. I am a member of the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 attorneys for the Petitioners in this miscellaneous matter and for the RAM Defendants (Raymond
4 A. Mirra, Jr., RAM Capital Group, LLC, RAM Capital Group II, LLC, RAM Realty Holdings,
5 LLC, Joseph A. Troilo, Jr., Bruce Kolleda, Mark A. Kovinsky, Joseph J. Tropiano, Jr., Danielle
6 Stewart, Renee M. Sigloch, Bari Kuo, Frederick Forte, Virginia L. Hall, and Shelly Demora) in
7 the action currently pending in the United States District Court for the District of Delaware,
8 captioned *The Hawk Mountain LLC, et al. v. RAM Capital Group, LLC, et al.*, C.A. No. 13-02083-
9 SLR-SRF. I am duly licensed to practice before this Court. The matters set forth herein are
10 within my personal knowledge and if called and sworn as a witness I could competently testify
11 regarding them.

12 2. I submit this declaration in support of the Stipulation to Shorten Time for Briefing
13 on the Motion to Transfer and the Motion to Compel Subpoena *Duces Tecum*. (If the Court grants
14 the Motion to Transfer, then it need make no ruling regarding the Motion to Compel. The parties
15 will address timing of that motion with the Magistrate assigned to hear discovery disputes for this
16 case in the District of Delaware.)

17 3. We are requesting this matter be heard on shortened time because the fact
18 discovery deadline in the underlying Delaware litigation has passed. The dispute that is at the
19 center of this motion practice concerns documents responsive to a Subpoena to Produce
20 Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, served
21 on Respondent Farella Braun + Martel LLP ("Farella Braun") by the RAM Defendants on March
22 3, 2015. The parties need to have this dispute resolved expeditiously, so they can finally complete
23 discovery and proceed with other deadlines in the underlying litigation.

24 4. There have been no previous time modifications in this miscellaneous action.

25 5. The requested time modification would not affect the schedule for this action, as
26 there are no other deadlines in this case at this time apart from the deadlines associated with these
27 motions.

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1 I declare under penalty of perjury of the laws of the United States that the foregoing is true
2 and correct. Executed in San Francisco, California on March 24, 2016.

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4 /s/ Karin Kramer

Karin Kramer